

102 KAR 1:330. Travel and administrative expenses.

RELATES TO: KRS 161.585

STATUTORY AUTHORITY: KRS 161.585

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.585 requires the Board of Trustees of Kentucky Teachers' Retirement System (KTRS) to promulgate an administrative regulation to recover travel and administrative expenses incurred when KTRS staff are required to produce records or provide testimony in response to a duly issued subpoena. This administrative regulation establishes the procedures to recover travel and administrative expenses incurred when KTRS staff are required to produce records or provide testimony in response to a duly issued subpoena.

Section 1. Definitions. (1) "Cabinet" means the Finance and Administration Cabinet.

(2) "High rate area" means a city, state, or metropolitan area in which it has been recognized that higher meal costs and lodging rates have historically prevailed and that has been designated by the secretary of the cabinet as a high rate area.

(3) "Receipt" means any preprinted invoice, from a hotel, motel, restaurant, or other establishment, showing the date of service, the amount charged for the service, the location where the service was performed, and a description of the expenditure.

Section 2. (1) Any person or party who requests a subpoena requiring the personal appearance of an employee of KTRS to appear in a court proceeding or at a deposition or administrative hearing shall pay KTRS for the travel expenses of the KTRS employee and KTRS' legal counsel, including:

- (a) The then prevailing mileage rate;
- (b) Parking and tolls;
- (c) Meals, if the employee is required to be away from his work station before, during, or after working hours;
- (d) Lodging expenses, if necessary; and
- (e) The wages of the employee or legal counsel for the period he is required to be away from his work station which shall be calculated by multiplying the hourly rate of the employee or legal counsel by the number of hours each is required to be away from his work station.

(2) The mileage rate, meals, and lodging expenses, including those expenses incurred in a high rate area, shall be billed or reimbursed in accordance with the reimbursement rates established by the cabinet in 200 KAR 2:006.

(3) KTRS shall send an estimated amount for the expenses to the person or party requesting the subpoena.

(a) The person or party shall forward payment for the estimated expenses prior to the date of the appearance mandated by the subpoena.

(b)1. KTRS shall forward an invoice with supporting receipts for any additional expenses incurred by the employee or legal counsel or issue a refund for any amount in excess of the estimated expenses.

2. Any personal identifying information regarding the employee or legal counsel shall be redacted from the receipt prior to its release.

(4) Any person or party who requests a subpoena requiring the production of copies of records or information in the custody of KTRS in standard hard copy format shall pay KTRS a fee for production which shall include:

- (a) A copy charge of fifteen (15) cents per page;
- (b) Postage based upon the weight of the package; and

(c) The wages of the employee required to compile or copy the requested records calculated by multiplying the hourly rate of the employee by the number of hours necessary to compile, copy, and collate the records or information.

(5) Any person or party who requests a subpoena requiring the production of records in the custody of KTRS in an electronic format which requires KTRS staff to write a program to extrapolate the requested information from the member's database to meet the specific request may recover staff costs at a rate of twenty-five (25) dollars per hour.

(6) KTRS shall notify the person or party of the fee in writing. The person or party shall forward payment for the requested records prior to release of such records by KTRS. (37 Ky.R. 609; 1172; eff. 11-8-2010; Crt eff. 7-3-2019.)